

REMARKS

In the outstanding office action dated 12/28/2004, claims 26, 28-39 and 43-48 were examined. Applicants appreciate the indication that claims 43-48 are allowed, and that claims 29-32 would be allowable if rewritten in independent form and including all limitations of the base claim and any intervening claims. Claims 26, 28 and 33-39 stand rejected as obvious over various cited references. Applicants request reconsideration and allowance of all claims in view of the preceding claim amendments and the following remarks.

Applicants appreciate the indication in the Interview Summary dated April 1, 2005 that the examiner has withdrawn the finality of the previous office action. Accordingly, all claim amendments should be entered and examined.

Claims 26 and 28-39 are Allowable.

As amended, applicants respectfully traverse the rejection to Claim 26 under 35 U.S.C. § 103(a) as being obvious over Ettelbruck (U.S. Patent 6,692,210). Claim 26 recites, in part, a packing machine comprising a frame having a front wall and a series of packing devices which fold at least one sheet of packing material about a product, are supported by the frame, and are located on the front wall of the frame. Furthermore, operating devices movable between a work position and a maintenance position are located on the front wall of the frame and in front of the crane. Claim 26 encompasses subject matter disclosed in the application as originally filed (see, e.g., page 4, lines 15-30).

Ettelbruck discloses a crane 3 that picks up a cylinder 9 from a charging station 2, moves laterally along a rail 4, then deposits the cylinder in a processing station 1. Ettelbruck does not disclose a packing machine comprising a frame having a front wall and a series of packing devices, which fold at least one sheet of packing material about a product, are supported by the frame, and are located on the front wall of the frame. Furthermore, Ettelbruck does not disclose operating devices that are located on the front wall of the frame and in front of the crane. Thus Ettelbruck does not anticipate claim 26

Further, there is no suggestion within the applied references for the recited elements. "To establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art" MPEP § 2143.03. As outlined above, Ettelbruck fails to disclose several claimed elements. The other applied references, White, et. al, U.S. Patent No. 4,972,494, and Beger, U.S. Patent No. 6,639,789 add nothing of relevance to claim 1. White only

discusses a package inspection system, and does not disclose packing devices. Beger only discloses a computer for a surgical operating area. In fact, Beger is not even prior art to this application. Beger fails under § 102(e) because it was filed on March 5, 2002, and this application claims priority to an Italian application filed on May 14, 2001. Beger also fails under § 102(b), because it was published on June 27, 2002, and this application is a divisional of a U.S. application filed on May 14, 2002.

Accordingly, claim 26 is allowable. Claims 28-39, which depend from claim 26, are also in allowable format.

CONCLUSION

In view of the foregoing remarks, it is submitted that the claims as now appearing in this application are in good and proper form for allowance. A favorable action on the part of the examiner is respectfully solicited. If, in the opinion of the examiner, a telephone conference would expedite prosecution of the subject application, the examiner is invited to call the undersigned attorney.

The Commissioner is hereby authorized to charge any deficiency in the fees filed, asserted to be filed or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Deposit Account No. 13-2855, under Order No. 20022/38497A/US.

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Respectfully submitted,

By 

Russell C. Petersen

Registration No.: 53,457

MARSHALL, GERSTEIN & BORUN LLP

233 S. Wacker Drive, Suite 6300

Sears Tower

Chicago, Illinois 60606-6357

(312) 474-6300

Attorney for Applicant